



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2004-06**

February 6, 2004

Merriam Farm Inc.
Attn: John Lampi, President
PO Box 102
Walpole, NH 03608

RE: DES Wetlands File #2003-02556 Merriam Road, Walpole & Surry

Dear Mr. Lampi

On October 29, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Surry Tax Map 4 as Lot 21 and on Town of Walpole Tax Map 3 as Lot 49 and 50 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

- Three culverts consisting of an approximately 18" x 20', 18" x 30' and 24" x 30' corrugated metal pipe had been installed/replaced on Merriam Road within three jurisdictional intermittent streams without a permit;
- 2 Approximately 1,000 linear feet of intermittent stream had been dredged & filled from recent logging, site grading, excavation and roadway improvement activities without a permit;
 - 3 Approximately 9,000 square feet of jurisdictional wetlands had been dredged & filled (i.e., tire rutting and erosion and sedimentation) without a permit; and
 - 4 The project was not carried out using The Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire (April, 1996) ("BMPs").

In response, you are requested to take the following actions:

- Immediately stabilize the site with appropriate erosion, sediment and turbidity controls and monitor the site for weather changes to ensure compliance with BMPs;
- 2 Voluntarily refrain from continuing work on the Property within Wetlands Bureau jurisdiction ;
 - 3 By **March 15, 2004**, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist or qualified environmental engineer, and include provisions for stabilizing the site, restoration of the 1,000 linear feet of intermittent streams and 9,000 square feet of wetlands on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries (delineated by a certified wetland scientist using appropriate delineation methods); and
 2. Proposed conditions after reestablishing the jurisdictional areas
 - b. A detailed description of the proposed means of erosion, sediment and turbidity control (silt fence, hay bales, etc) and stabilization of the restoration areas;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date;
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum of two monitoring progress reports during two successive growing seasons following completion of the restoration project
3. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
 4. Implement the restoration plan only after receiving written approval and as conditioned by DES.
 5. By **April 15, 2004**, submit an After-the-Fact Standard Dredge and Fill application to DES if you desire to retain the three culverts installed within Merriam Road. Please note the following issues will need to be addressed in order to retain the three culverts:

A DES Restoration Plan Approval will need to be issued for the aforementioned intermittent stream and wetland impacts before DES will approve the After-the-Fact application;

2. A plan will need to be included that shows the pre-existing structure at each crossing;
3. A plan showing the wetland delineation boundaries, temporary and permanent wetland impacts including square footage;
4. Identify when the culvert replacement work was conducted, why and who conducted the work; and
5. Demonstrate need, avoidance and minimization for the culvert installation work.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

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DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

William A. Thomas, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-4066 or by e-mail at wthomas@des.state.nh.us.

Sincerely,

COPY

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 0244

cc: Rene Pelletier, Manager, Land Resources Management Program

Gretchen Rule, Administrator, DES Legal Unit

Jeffery D. Blecharczyk, DES Wetlands Bureau

Ridge Mauck, DES Site Specific

Town of Surry Conservation Commission

Town of Surry Board of Selectmen

Town of Walpole Conservation Commission

Town of Walpole Board of Selectmen

USACOE

D H Hardwick and Sons Inc.

Carl Hagstrom

Attorney James Craig